

Joseph W. Cotchett (36324)
jcotchett@cpmlegal.com

Steven N. Williams (175489)
swilliams@cpmlegal.com

Adam J. Zapala (245748)
azapala@cpmlegal.com

Elizabeth Tran (280502)
etran@cpmlegal.com

COTCHETT, PITRE & McCARTHY, LLP

San Francisco Airport Office Center

840 Malcolm Road, Suite 200

Burlingame, CA 94010

Telephone: (650) 697-6000

Facsimile: (650) 697-0577

Michael P. Lehmann (77152)

mlehmann@hausfeldllp.com

Christopher Lebsack (184546)

clebsack@hausfeldllp.com

HAUSFELD LLP

44 Montgomery Street

San Francisco, CA 94111

Telephone: (415) 633-1908

Facsimile: (415) 358-4980

Michael D. Hausfeld

mhausfeld@hausfeldllp.com

Seth R. Gassman

sgassman@hausfeldllp.com

HAUSFELD LLP

1700 K Street, Suite 650

Washington, D.C. 20006

Telephone: (202) 540-7200

Facsimile: (202) 540-7201

Interim Co-Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION**

Civil Action No. 3:07-CV-05634-CRB

MDL No: 1913

**FINAL JUDGMENT OF DISMISSAL
WITH PREJUDICE AS TO
DEFENDANT JAPAN AIRLINES
COMPANY, LTD.**

This Document Relates To:

All Actions

1 This matter has come before the Court to determine whether there is any just reason for delay
 2 of the entry of this final judgment with respect to the class action settlement with Defendant Japan
 3 Airlines Company, Ltd. (sometimes referred to herein as “Defendant” or “JAL”). The Court, having
 4 reviewed the Motion for Final Approval of certain settlements (*see* ECF No. 999) and Plaintiffs’
 5 Fees Motion (*see* ECF No. 986), and having held argument on the motion on May 22, 2015 and
 6 having issued an Order Granting Motion For Final Approval And Granting Motion For Fees (*see*
 7 ECF No. 1009), and finding no just reason for delay hereby directs entry of Judgment which shall
 8 constitute a final adjudication of this case on the merits as to members of the JAL Settlement Class
 9 and Defendant Japan Airlines Company, Ltd. pursuant to the Settlement Agreement Between
 10 Plaintiffs and Japan Airlines Company, Ltd. (the “Settlement Agreement”) (*see* ECF No. 999-2):

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

12 1. The Court has jurisdiction over the subject matter of this litigation, and all actions
 13 within this litigation (collectively, the “Action”) and over the parties to the Settlement Agreement,
 14 including all members of the Settlement Class and Defendant.

15 2. The following class is certified for settlement purposes only, pursuant to Rule 23 of
 16 the Federal Rules of Civil Procedure:

17 JAL SETTLEMENT CLASS:

18 All persons and entities that purchased passenger air transportation
 19 that included at least one flight segment between the United States and
 20 Asia or Oceania from Defendants, or any predecessor, subsidiary, or
 21 affiliate thereof, at any time between January 1, 2000 and the Effective
 22 Date. Excluded from the class are purchasers of passenger air
 23 transportation directly between the United States and the Republic of
 24 Korea purchased from Korea Air Lines, Ltd. and/or Asiana Airlines,
 25 Inc. Also excluded from the class are governmental entities,
 26 Defendants, any parent, subsidiary, or affiliate thereof, and
 27 Defendants’ officers, directors, employees and immediate families.

28 3. This settlement class shall be referred to herein as the Settlement Class.

4. For purposes of this order, the terms “Defendants,” “Effective Date,” “Released
 Claims,” “Releasing Parties,” and “Released Parties” shall be defined as set forth in the Settlement
 Agreement.

5. The Court finds the prerequisites to a class action under Federal Rule of Civil

1 Procedure 23(a) have been satisfied for settlement purposes by each of the Settlement Classes in
2 that:

- 3 a. there are hundreds of thousands of putative members of the Settlement Class,
4 making joinder of all members impracticable;
- 5 b. there are questions of fact and law that are common to all members of the
6 Settlement Class;
- 7 c. the claims of the Class Representatives are typical of those of the absent members
8 of the Settlement Class; and
- 9 d. Plaintiffs Meor Adlin, Franklin Ajaye, Andrew Barton, Rachel Diller, Scott
10 Fredrick, David Kuo, Dickson Leung, Brendan Maloof, Donald Wortman, Harley
11 Oda, Roy Onomura, Shinsuke Kobayashi, Patricia Lee, Nancy Kajiyama, Della
12 Ewing Chow and James Kawaguchi (the "Class Representatives") have and will
13 fairly and adequately protect the interests of the absent members of the Settlement
14 Class and have retained counsel experienced in complex antitrust class action
15 litigation who have and will continue to adequately advance the interests of the
16 Settlement Class.

17 6. The Court finds that this Action may be maintained as a class action under Federal
18 Rule of Civil Procedure 23(b)(3) for settlement because: (i) questions of fact and law common to
19 the members of the Settlement Class predominate over any questions affecting only the claims of
20 individual members; and (ii) a class action is superior to other available methods for the fair and
21 efficient adjudication of this controversy.

22 7. Pursuant to Fed. R. Civ. P. 23(g), the Court hereby confirms that Cotchett, Pitre &
23 McCarthy and Hausfeld LLP are appointed as Settlement Class Counsel, and that Plaintiffs Meor
24 Adlin, Franklin Ajaye, Andrew Barton, Rachel Diller, Scott Fredrick, David Kuo, Dickson Leung,
25 Brendan Maloof, Donald Wortman, Harley Oda, Roy Onomura, Shinsuke Kobayashi, Patricia Lee,
26 Nancy Kajiyama, Della Ewing Chow and James Kawaguchi are appointed to serve as Class
27 Representatives on behalf of the Settlement Class.

28 8. The person identified on Exhibit B to the Declaration of Joel Botzet in support of

1 Plaintiffs' motion for final approval of the Class Settlements (*see* ECF No. 999-19) has timely and
2 validly requested exclusion from the Settlement Class and, therefore, is excluded. Such person is
3 not included in or bound by this final judgment.

4 9. Upon the Effective Date, all Releasing Parties shall be permanently barred and
5 enjoined from instituting, commencing, prosecuting or asserting any Released Claim against any of
6 the Released Parties.

7 10. The Court has finally approved a total of eight settlements between the Class
8 Representatives and Japan Airlines Company, Ltd., Societe Air France, Vietnam Airlines Company
9 Limited, Thai Airways International Public Co., Ltd. ("Thai Airways"), Malaysian Airline System
10 Berhad, Qantas Airways Limited ("Qantas"), Cathay Pacific Airways, Ltd. ("Cathay Pacific"), and
11 Singapore Airlines Limited (collectively the "Settlement Agreements") in the total amount of
12 \$39,502,000.00, approved an award of attorneys' fees in the amount of \$9,000,000.00, approved
13 reimbursement to Class Counsel of expenses in the amount of \$2,807,699.73, approved a litigation
14 fund of \$3,000,000.00, and approved an award of \$7,500.00 for each of the Class Representatives
15 (collectively the "Approved Fees and Costs") (*see* ECF No. 1009).

16 11. The Approved Fees and Costs shall be allocated pro-rata to each of the Settlement
17 Agreements.

18 12. This Court hereby dismisses on the merits and with prejudice the Action against
19 Defendant, with each party to bear its own costs and attorneys' fees.

20 13. Without affecting the finality of this final judgment in any way, this Court hereby
21 retains continuing jurisdiction over: (a) implementation of the terms of the Settlement Agreement
22 and any distribution to members of the Settlement Class pursuant to further orders of this Court; (b)
23 hearing and ruling on any matters relating to the plan of allocation of the settlement proceeds; and
24 (c) all parties to the Action and Releasing Parties, for the purpose of enforcing and administering
25 the Settlement Agreement and the mutual releases and other documents contemplated by, or
26 executed in connection with the Settlement Agreement.

27 **IT IS SO ORDERED.**

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Dated June 11, 2015



HON. CHARLES R. BREYER
United States District Court Judge

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